

## REMARKS

The Office Action dated March 13, 2007 has been received and considered. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

### Non-Statutory Subject Matter Rejection of Claims 1 and 2

At page 2 of the Office Action, claims 1 and 2 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

As discussed at page 6 of the previous Response submitted December 18, 2006 (hereinafter, “the Previous Response”), the subject matter of a claim is statutory if it produces a useful, concrete, and tangible result. As discussed at pages 6 and 7 of the Previous Response, the subject matter of claims 1 and 2 produces a useful, concrete and tangible result. The Office acknowledges that these claims produce a concrete and tangible result, but the Office contends that claims 1 and 2 fail to produce a useful result. *Office Action*, p. 3. In particular, the Office asserts that the Applicant “hasn’t pointed out how/why the claim produces a useful, concrete, and tangible result. If the claim as a whole is reasonably interpreted as just solving a mathematical algorithm rather than reciting a practical application of the algorithm which produces a useful, concrete and tangible result, then it would be non-statutory.” *Id.* (emphasis in original). It is respectfully submitted that the Office errs in its assessment of claim 1.

As a first issue, it is unreasonable to interpret claim 1 as “just solving a mathematical algorithm.” Initially, it is noted that the Office fails to identify the mathematical algorithm that claim 1 is alleged to solve, and thus the Office provides no substantive support for this allegation. Further, claim 1 recites “evaluating comprises indexing a plurality of tables by an index value determined by a portion of the operand.” It is unclear how indexing tables is merely solving a mathematical algorithm. Accordingly, it is respectfully submitted that the Office fails to establish a *prima facie* case for the assertion that claim 1 is directed merely to solving a mathematical algorithm.

As a second issue, the Applicant is unaware of any binding law, rule, or judicial holding that requires a claim to recite a practical application, contrary to the assertions of the Office. As provided at pages 4 and 5 of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility,

a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful. Such a statement will usually explain the purpose of the invention or how the invention may be used . . . . Regardless of the form of statement of utility, it must enable one ordinarily skilled in the art to understand why the applicant believes the claimed invention is useful. . . . An applicant may assert more than one utility and practical application, but only one is necessary.

Thus, rather than requiring the claim to always recite the practical application, the practical application may be made evident by the knowledge of one of ordinary skill in the art, by the disclosure of the application, and the like. The present application provides a practical application of the invention, e.g., “evaluating expressions, such as the square root, reciprocal square root, or reciprocal of a number, performed by a processor of a computer system.” Accordingly, in addition to being concrete and tangible, the final result of the subject matter of claim 1, i.e., the floating point result of the monotonic operation, is also useful. As claim 1 provides a useful, concrete, and tangible result, claim 1 and its dependent claim 2 are directed to statutory subject matter. Reconsideration and withdrawal of the non-statutory subject matter rejection of claims 1 and 2 therefore is respectfully requested.

## **Conclusion**

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

It is believed that no fee is due, but if a fee is due the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

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Date